

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-SECOND LEGISLATIVE DAY
TUESDAY, MARCH 22, 2005

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Burkett, Keough, Langhorst, Little, Schroeder, Stennett, and Sweet, absent and excused. [District 21 seat temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alison Coats, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 21, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

The President assumed the Chair.

Senators Langhorst, Schroeder, Stennett, and Sweet were recorded present at this order of business.

March 22, 2005

The JUDICIARY AND RULES Committee reports that **SCR 118** has been correctly printed.

DARRINGTON, Chairman

SCR 118 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 21, 2005

The JUDICIARY AND RULES Committee reports that **S 1061, S 1092, S 1099, S 1119, S 1138, S 1142**, as amended in the House, and **S 1188** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1061, S 1092, S 1099, S 1119, S 1138, S 1142**, as amended in the House, and **S 1188** and ordered them transmitted to the House for the signature of the Speaker.

March 21, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1008, S 1009, S 1010, S 1030, S 1038, S 1039**, as amended, **S 1040, S 1052, S 1053, S 1054, S 1055, S 1056, S 1064, S 1065, S 1067, S 1068**, as amended, **S 1069, S 1071**, as amended, **S 1072, S 1073, S 1081, S 1084, S 1100, S 1114, S 1125, S 1126, S 1137, S 1149, S 1175, S 1176, S 1177**, and **S 1178** were delivered to the Office of the Governor at 2:35 p.m., March 21, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 21, 2005

The STATE AFFAIRS Committee reports out **H 213, H 219, H 220, H 221**, and **H 238** with the recommendation that they do pass.

BURTENSHAW, Chairman

H 213, H 219, H 220, H 221, and **H 238** were filed for second reading.

March 21, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **HJM 6** and **H 280** with the recommendation that they do pass.

SCHROEDER, Chairman

HJM6 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 280 was filed for second reading.

March 21, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 299, H 253**, and **H 215** with the recommendation that they do pass.

BUNDERSON, Chairman

H 299, H 253, and H 215 were filed for second reading.

March 21, 2005

The JUDICIARY AND RULES Committee reports out **H 272** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 272** was referred to the Fourteenth Order of Business, General Calendar.

March 21, 2005

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Judy Radin to the Idaho State Racing Commission, term to expire January 15, 2010.

BURTENSHAW, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 21, 2005

The EDUCATION Committee reports out **S 1173** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1173** was referred to the Fourteenth Order of Business, General Calendar.

March 21, 2005

The HEALTH AND WELFARE Committee reports out **S 1220, H 265**, as amended, **H 188**, as amended, and **H 282** with the recommendation that they do pass.

COMPTON, Chairman

S 1220, H 265, as amended, **H 188**, as amended, and **H 282** were filed for second reading.

March 21, 2005

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Lawrence V. Armacost to the Idaho Water Resource Board, term to expire January 1, 2009.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 21, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jay Nielsen of Twin Falls, Idaho, was appointed as a member of the Idaho State Board of Correction to serve a term commencing March 16, 2005, and expiring January 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

March 21, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1002, S 1005, S 1006, S 1007, S 1013,
S 1014, S 1015, S 1016, S 1023, S 1050,
S 1059, S 1070, S 1083, S 1090, S 1091, S 1141**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Keough was recorded present at this order of business.

March 21, 2005

Mr. President:

I transmit herewith **H 324, HJM 9, H 350, H 100, H 318, H 352, H 354, H 355, H 356, H 357, H 358, H 359, H 360, HCR 22, H 331, and H 334** which have passed the House.

JUKER, Chief Clerk

H 324, HJM 9, H 350, H 100, H 318, H 352, H 354, H 355, H 356, H 357, H 358, H 359, H 360, HCR 22, H 331, and H 334 were filed for first reading.

March 21, 2005

Mr. President:

I return herewith **S 1169, S 1129, S 1130**, as amended, **S 1080, S 1154**, as amended, **SJM 108, SCR 116, SCR 117, S 1034, S 1035, S 1166, S 1134, S 1036**, as amended, **S 1135, S 1136**, as amended, **S 1156, S 1044**, as amended, **S 1194, S 1195**, and **S 1161**, as amended, which have passed the House.

JUKER, Chief Clerk

S 1169, S 1129, S 1130, as amended, **S 1080, S 1154**, as amended, **SJM 108, SCR 116, SCR 117, S 1034, S 1035, S 1166, S 1134, S 1036**, as amended, **S 1135, S 1136**, as amended, **S 1156, S 1044**, as amended, **S 1194, S 1195**, and **S 1161**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 21, 2005

Mr. President:

I transmit herewith Enrolled **HCR 12, H 296, H 303, H 304**, and **H 305** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 12, H 296, H 303, H 304**, and **H 305** and ordered them returned to the House.

March 21, 2005

Mr. President:

I return herewith Enrolled **S 1063**, as amended, **S 1120, S 1153, S 1181, S 1185**, and **SCR 113** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1063**, as amended, **S 1120, S 1153, S 1181**, and **S 1185** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 113** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1226

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE HISTORICAL SOCIETY; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4101, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4102, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR STATE AGENCIES AND OTHER ENTITIES OF STATE GOVERNMENT PREPARING TO REMOVE OR PERFORM RENOVATION WORK ON STRUCTURES OWNED OR CONTROLLED BY THE STATE; AND AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4103, IDAHO CODE, TO PROVIDE FOR OPTIONAL PROJECT REVIEW BY THE STATE HISTORIC PRESERVATION OFFICE, TO PROVIDE CERTAIN REQUIREMENTS FOR STATE AGENCIES OR OTHER ENTITIES OF STATE GOVERNMENT PROPOSING A PROJECT THAT INVOLVES STATE-OWNED STRUCTURES, TO PROVIDE FOR RESPONSE TO PROJECT PROPOSALS BY THE STATE HISTORIC PRESERVATION OFFICE, TO PROVIDE THAT THE STATE AGENCY OR OTHER ENTITY OF STATE GOVERNMENT PROPOSING THE PROJECT SHALL HAVE THE DISCRETION TO ACT UPON THE RECOMMENDATIONS OF THE STATE HISTORIC PRESERVATION OFFICE AND TO PROVIDE FOR THE USE OF RECOMMENDATIONS OF THE STATE HISTORIC PRESERVATION OFFICE.

S 1227

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO MILLENNIUM FUND; AMENDING SECTION 67-1801, IDAHO CODE, TO PROVIDE THAT ANY MONEY APPROPRIATED, EXPENDED OR DISTRIBUTED FROM THE MILLENNIUM FUND SHALL BE APPROVED BY AT LEAST A TWO-THIRDS VOTE OF BOTH HOUSES OF THE LEGISLATURE VOTING SEPARATELY.

S 1228

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO AIR QUALITY; AMENDING SECTION 39-115, IDAHO CODE, AS AMENDED BY SECTION 2, HOUSE BILL NO. 230, ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-EIGHTH IDAHO LEGISLATURE, TO REVISE PERMIT REQUIREMENTS FOR ANY MAJOR OR MINOR AIR POLLUTION SOURCE IN IDAHO, TO DEFINE A TERM AND TO REVISE STRINGENCY.

S 1226, S 1227, S 1228 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 324, by Education Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

HJM 9, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 350, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 100 and **H 318**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 352, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 354, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 355, **H 356**, **H 357**, **H 358**, **H 359**, and **H 360**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

HCR 22, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 331, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 334, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 85, as amended, **H 49**, as amended, **H 23**, and **H 249**, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1192, by State Affairs Committee, was read the second time at length and filed for third reading.

H 283, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

S 1217, by State Affairs Committee, was read the second time at length and filed for third reading.

H 343, **H 344**, **H 345**, **H 346**, **H 347**, and **H 348**, by Appropriations Committee, were read the second time at length and filed for third reading.

H 247, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 203, as amended, **H 207**, and **H 208**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 70, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

S 1221, **S 1222**, **S 1223**, **S 1224**, and **S 1225**, by Finance Committee, were read the second time at length and filed for third reading.

S 1122, as amended in the House, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Stegner, granted by unanimous consent, **S 1172**, having been held, retained its place on the Third Reading Calendar for one legislative day.

S 1210 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burkett, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1210** passed, title was approved, and the bill ordered transmitted to the House.

S 1211 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burkett, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1211** passed, title was approved, and the bill ordered transmitted to the House.

S 1212 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burkett, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1212** passed, title was approved, and the bill ordered transmitted to the House.

S 1213 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burkett, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1213** passed, title was approved, and the bill ordered transmitted to the House.

Senator Little was recorded present at this order of business.

S 1214 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1214** passed, title was approved, and the bill ordered transmitted to the House.

S 1215 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Werk, Williams. Total - 29.

NAYS--Schroeder, Stennett. Total - 2.

Absent and excused--Andreason, Burkett, Davis. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1215** passed, title was approved, and the bill ordered transmitted to the House.

Senator Burkett was recorded present at this order of business.

S 1216 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1216** passed, title was approved, and the bill ordered transmitted to the House.

H 327 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Andreason, Schroeder. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 327** passed, title was approved, and the bill ordered returned to the House.

H 328 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant]

Whereupon the President declared **H 328** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Bunderson to the Chair.

H 329 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 329** passed, title was approved, and the bill ordered returned to the House.

H 330 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 330** passed, title was approved, and the bill ordered returned to the House.

H 338 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 338** passed, title was approved, and the bill ordered returned to the House.

H 339 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 339** passed, title was approved, and the bill ordered returned to the House.

H 340 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Hill disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 340** passed, title was approved, and the bill ordered returned to the House.

H 341 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Stennett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Schroeder, Stegner, Stennett. Total - 25.

NAYS--Burkett, Davis, Marley, Richardson, Sweet, Werk, Williams. Total - 7.

Absent and excused--Andreason, Geddes. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 341** passed, title was approved, and the bill ordered returned to the House.

H 342 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 342** passed, title was approved, and the bill ordered returned to the House.

S 1198 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **S 1198** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1190 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1190** passed, title was approved, and the bill ordered transmitted to the House.

SJR 102 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Pursuant to Senate and House Joint Rule 20, Senator Davis inquired if **SJR 102** was properly before the Senate. The President ruled that, pursuant to the provisions of Joint Rule 20, a joint resolution proposing a constitutional amendment must be transmitted from the house of origin to the other house prior to the fifty-fifth legislative day. This being the seventy-second legislative day, **SJR 102** failed to meet the deadline and was therefore not properly before the Senate. The President ordered the resolution filed in the office of the Secretary of the Senate.

H 38, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Coiner disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 38** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 202**, having been held, retained its place on the Third Reading Calendar.

H 97, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie,

Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 97**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 252 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Williams arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 252** passed, title was approved, and the bill ordered returned to the House.

H 271 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 271** passed, title was approved, and the bill ordered returned to the House.

H 261 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Bunderson and Sweet arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Little, Stegner. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 261** passed, title was approved, and the bill ordered returned to the House.

On request by Senator McGee, granted by unanimous

consent, **H 230** retained its place on the Third Reading Calendar for Thursday, March 24, 2005.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Andreason, Burkett, Coiner, Goedde, Keough, Langhorst, Little, Marley, Schroeder, Sweet, and Werk, absent and excused. [District 21 seat temporarily vacant.]

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

On request by Senator Lodge, granted by unanimous consent, **H 202** was referred to the Fourteenth Order of Business, General Calendar.

Senators Andreason, Burkett, Coiner, Goedde, Langhorst, Schroeder, Sweet, and Werk were recorded present at this order of business.

H 197, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Keough, Little, Marley. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 197**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 159 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington,

Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Keough, Little, Marley. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 159** passed, title was approved, and the bill ordered returned to the House.

Senator Marley was recorded present at this order of business.

H 138 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Coiner, Compton, Darrington, Davis, Goedde, Jorgenson, Kelly, Langhorst, Little, Malepeai, Marley, McGee, Stegner, Werk. Total - 18.

NAYS--Bunderson, Burtenshaw, Cameron, Corder, Gannon, Geddes, Hill, Lodge, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 13.

Absent and excused--Keough, Schroeder, Stennett. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 138** passed, title was approved, and the bill ordered returned to the House.

H 263 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Burtenshaw, Pearce, Williams. Total - 3.

Absent and excused--Keough. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 263** passed, title was approved, and the bill ordered returned to the House.

H 139, as amended, was read the third time at length, section

by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Geddes. Total - 1.

Absent and excused--Keough, Lodge. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 139**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 160, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Malepeai, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Burkett, Marley, Pearce. Total - 3.

Absent and excused--Keough, Lodge. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 160**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 54 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 54** passed, title was approved, and the bill ordered returned to the House.

H 68, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 68**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 193 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 193** passed, title was approved, and the bill ordered returned to the House.

H 266 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly,

Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 266** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **S 1172**, having been held, was placed at the head of the Third Reading Calendar, followed by **H 230**, followed by Senate Finance Committee bills, House Appropriations Committee bills, Senate bills, and House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 22, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 277**, **H 319**, and **H 110**, as amended, with the recommendation that they do pass.

BUNDERSON, Chairman

On request by Senator Bunderson, granted by unanimous consent, **H 110**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

H 277 and **H 319** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 22, 2005

Mr. President:

I transmit herewith **H 353**, **H 306**, as amended, as amended, **H 323**, as amended, **H 361**, and **H 362** which have passed the House.

JUKER, Chief Clerk

H 353, **H 306**, as amended, as amended, **H 323**, as amended, **H 361**, and **H 362** were filed for first reading.

March 22, 2005

Mr. President:

I transmit herewith **H 351** which has passed the House.

JUKER, Chief Clerk

H 351 was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 353, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 306, as amended, as amended, and **H 323**, as amended, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 361 and **H 362**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 351, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:50 p.m. until the hour of 9 a.m., Wednesday, March 23, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary